FOR MYSORE STATE

Revenue 194 5) Department.

No. SERIES.

G.O. NO. 906.

Dated the 25th March 1950.

[Despatch Abstract.]

ALIENATION - Land and Revenue - (Bellary) - Hospet taluk - Kamalapuram village - S.No.621 (Portion) - In favour of the Kanva Mutt - For use as the site of a Brindavanam - Sanctioned.

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REVENUE DEPARTMENT

SUBJECT.

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ALIENATION--Land and Land Revenue (Bellary) Hospet Taluk--Kamalapuram village S.No.621 (Portion) In favour of the Kanva Mutt.

Reference E.6322/49-2.

Station:Madras. Dated 4-2-1950.

From

Sri A.F.Mascarenhas Additional Secretary, Board of Revenue, Madras.

Sri M.L.S.Sattianathan I.C.S., Commissioner of Land Revenue.

Read:From the Collector of Bellary Rc.11375/48 A2 Dated 8-11-1949.
Board's Ref:E.6322/49-1. Dated 30-11-1949.
From the Collector of Bellary Rc.11375/49 A2 Dated 12-12-1949.

REFERENCE:

As the instance of the Collector of Bellary the Board recommends the alienation of the plot of land comprised in S.No.621 (Portion) of Kamalapuram village, Hospet taluk of Bellary district measuring C.O.21 in favour of the Manager for the time being, Kanva Mutt, Kamalapuram village Hospet taluk, Bellary district for use as the site of a Brindhavanam.

2. The Kanva Mutt, Kamalapuram village, Hospet taluk, Bellary dt is not a registered body. There is no committee and there are no office bearers. One Mr. Seshachar is said to be the present manager. The Collector recommends the alienation in favour of the Manager for the time being, as the Mutt is a religious institution just like Hajana mandirs. As the "Mutt" is proposed to be used as a place of worship, open to all communities, the Board recommends that the registration of the mutt need not be insisted upon and that the site may be alienated in favour of the Manager for the time being (as in the case of temples-vide G.O.Ms.614 Rev. 15-3-41 subject to the following conditions).

3.The alienation will be free of charge for the occupancy right and free of assessment but subject also to the following conditions.

(1)the land shall be used as the site of a Brindawanam and for no other purpose.

(2) The Brindavanam shall be constructed within a period of two years from the date of the grant.

(3) No other building shall be constructed on the land without the previous permission of the Collector of the district.

(4) The market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. The Collector shall decide whether a net income is derived from the land or not and his decision shall be final.

(5) The grantee shall not use the site for his private benefit or lay any claim to it.

(6) The land shall not be alienated without the previous sanction of the Collector.

(7) The Brindavanam shall be managed and maintained efficiently to the satisfaction of the Collector of the District.

(8) The grantee shall execute the repairs which in the opinion of the Collector of the District are considered necessary whenever required by him to do so.

(9) The Brindavanam shall be open to people of All communites.

(10) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any o: the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(11) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the lar is required for public purposes or for conducting mining operations. In the event of such resumption, or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less, and the compensation payable for buildings or other improvements shall in no case exce the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whicheve may be less together with the initial cost or the value at the time of resumption or acquisition, whichever may be less of any buildings created or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(12) In the event of the voluntary relinquishment of the lan by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant of the value of the land at the time of relinquishment whichever may be less.

(13) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

(14) The Government reserve to themselves the right to all sanda wood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the lan and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land an dispose of them at their pleasure. The alienee shall not be ent to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(~~21~~ 15) The alienee shall take all reasonable measures to the satisfac tion of the Collector of the district for the protection of the san wood trees from theft or damage and for the careful protection of immature trees growing on the land.

(~~22~~ 16). The alienee shall take the steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(~~23~~ 17) In the event of the infringement of, or failure to observe any of the conditions (14) to (~~22~~ 16) the alienee shall pay to the Govern ment such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or fail on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

For Addl. Secretary

vernment, Revenue ~~Department~~, Madras.
with alienation statements
and sketches to be retd.

From,
Sri.N.V.Sugavanam,
Collector, Bellary.

To
The Secretary to the Government of
Madras, Revenue Department,
M a d r a s

Through
The Secretary to the Board of
Revenue, M a d r a s.

Sir,

R.C. 11375/49 A.2. dated 8-11-49.

...

Sub:- Alienation - Land and land revenue - Hospet Taluk - Kamalapuram village - S.No. 621 portion - in favour of Kanva Mutt - proposals submitted.

...

One B.Seshachar, Manager of "Kanva Mutt" at Kamalapuram village of Hospet Taluk of this District has applied for the alienation of a plot of land measuring 0-21 acres in S.No. 621 of Kamalapuram village of Hospet Taluk for the construction of a "Brindavanam" where the last Swamiji Sri.Vidya Vijaya Thirtha Swami was cremated. The site required has been sub divided as S.No. 621-2 and sub division records has been prepared.

There is no committee for the management of the Mutt and alienation is sought for in the name of Sri.B.Seshachar who is at present managing the Mutt. He has agreed to abide by the general and special conditions of alienation, a copy of which is enclosed.

The market value of the site is fixed at 0-2-0 per square yard and the assessment at Rs. 11-14-0 per acre. The market value together with the capitalised value of the assessment on the site is Rs. 189-9-0. The demarcation charges of Rs. 1-4-0 have been collected and credited into the treasury. There are no trees, buildings etc., on the site where value has to be recovered from the alienee.

A notice inviting objections, if any for the proposed alienation was published in the village and no objections have been received. The panchayat Board, Kamalapuram has no objection for the proposed alienation.

As the land is required for a bonafide public purpose, and as the alienee will not derive any income from it, it may be alienated free of market value for the occupancy right and free of assessment. Though the market value of the site together with the capitalised value of the assessment is within the Collector's powers of sanction, the proposals are submitted to Government through the Board as the site is required for the construction of "Brindavanam" which is a place of worship, as per instructions contained in G.O.Ms.No. 713 dated 21-3-49.

Alienation proposals in the prescribed form and a topo-sketch are enclosed.

Kr.13.11.

1/4 For Collector.

Q. Register
for R.E. section
on
14/2/50

K.L

TM.

From The Asst Secy to Govt,
Rev Deptt

To The Additional Secy,
Board of Rev (I.R.)

Alienation - Lands and land revenue -
(Bellary) - Hospet Taluk - Kamalapuram
village - S.No 621 (Portion) - Inam former of the
Kanva Mutt -

Ref to 1st
Aug
16.2.50

Ref to 1st
Aug
16.2.50

From the Bd of Rev Report E. 6322/49-2 of
4/2/50.

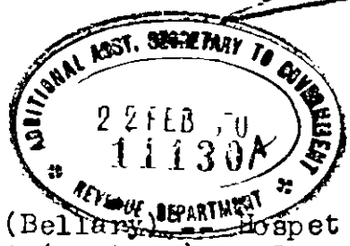
Please furnish urgently a copy of
the Bellary Collector's Lr No Re. 11375/49 A2
of 12/12/49 referred to in the Board's
Report cited.

14/2/50

Ref to 1st
Aug
16.2.50

Ref to 1st
Aug
16.2.50

Ref to 1st
Aug
16.2.



REVENUE DEPARTMENT
Subject.

ALIENATION -- Land and Land Revenue -- (Bellary) -- Hospet taluk -- Kamalapuram village -- S.No.621 (portion) -- In favour of the Kanva Mutt. -- Recommended.

Station:Madras. Ref.E.6322/49-3 Dated 20-2-50

From

Sri C.V.Narasimhan I.C.S.,
Secretary, Board of Revenue.
****

Sri W.R.S.Sattianathan I.C.S.,
Commissioner of Land Revenue.
****

Read:- Government Revenue Department T.M. dated 16-2-50.
Bd's Ref.E.6322/49-2 dated 4-2-50.
****

Reference:-

A copy of the Bellary Collector's letter No. Rc.11375/48 A2. dated 12-12-49 is submitted.

For Secretary.

To
The Secretary to Government Revenue Department.
with a copy of Collector's letter.

L.N.20.2.

Copy of letter No.Rc.A2.11375/48 dated 12-12-49 from the Collector of Bellary to the Secretary to the Board of Revenue - Madras.

Sub:- Alienation - Lands and Land Revenue - Hospet taluk -- Kamalapuram village -- S.No.621 portion in favour of Kanva Mutt -- proposal.

Ref:- Bd's Ref.No.E.6322/49 dated 30-11-49.

Rule (2) to B.S.O.24 requires that applications from a company association or society should not be considered unless such company association or society has been registered under any one of the several acts mentioned in the rule. It does not appear to prohibit the alienation of lands in favour of private individuals for a public purpose. Kind attention is invited to last sentences of paras 1 and 2 and para2 under Note (1) of B.S.O. 24 section1. According to these, the alienation of la in favour of private individuals appears permissible.

(2) Kind attention is also invited to para 2 G.O.614 Ms.Revenu dated 15-3-41 communicated in the B.P.Misc.1153 dated 1-5-41 in which it was ordered that grants of land to temples should be made in favour of the Manager or the trustee for the time being, that there is no need to insist on registration in such cases. A copy of the G.O. is enclosed for ready reference. In the present case as the land is required for the construction of a "Brindavanam" which is a place of worship there appears to be no objection to alienate it in favour of the manager of the Mutt.

Dat matter
on
24/3/50.

From the Board of Rev. Mem. No. 6322/49-2 dt 4/2/50
6322/49-3 dtd 2/50
G.O. " No. MS " 906 " dt 25-3-50

The Govt sanction the alienation of the lot of land comprised in S. no 621 (Portion) of Kamalapuram village, Hospet taluk, Bellary dt measuring 21 cents in favour of the Manager for the time being, Kamva Mutt, Kamalapuram village, Hospet taluk, Bellary dt for use as the site of a Brindhavanam.

2. The alienation will be free of charge for the occupancy right and free of assessment, but subject to the following conditions :—

1) The land shall be used as the site of a Brindavanam and for no other purpose.

2) The Brindavanam shall be constructed within a period of two years from the date of the grant.

3) No other building shall be constructed on the land without the previous permission of the Collector of the dt.

4) The market value of the land shall be collected, if at any time, it is found that the grantee derives a substantial income from the land. The decision of the Collector whether a net income is derived from the land or not shall be final.

5) The grantee shall not use the site for his private benefit or lay any claim to it.

6) The land shall not be alienated without the previous sanction of the Collr.

7) The Brindavanam shall be managed and maintained efficiently to the satisfaction of the Collector of the dt.

8) The agents shall execute all repairs which in the opinion of the Director of the St are considered necessary whenever required by him to do so.

9) The Boundaries shall be of

(10) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(11) The Government may resume the land, wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(12) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(13) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of alienation are infringed. In the latter case, the land revenue shall be levied from the date of infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

(14) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

(15) The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(16) The alienee shall take steps to see that the marks made by the officers of the Government on the sandal-wood trees are preserved and are not tampered with; and

(17) In the event of infringement of or failure to observe any of the conditions (14) to (16) the alienee shall pay to the Government such compensation as is determined by the Collector of the District for any loss or damag caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shal not be entitled to any compensation whatever.

P.B 4/3/50 W.B.S.D 6

8/3/50

Note :- Firka Dev, ~~Rev~~ and Pub may see before circulation to Hon CLR.

PB 4/3/50.

[As no objections have been rec in regard to the proposed alienation ~~the Collector~~ the Coll is presumably satisfied that no communal trouble is likely arise at all]

A

W.B.S.D 6

I/c Dev Publ

I/c Firka Dev Publ.

Firka Devt. Dept Rev 778

The draft order in 1-4 above may be passed and perused and the file passed on to Public C.O.

DEPUTY SECRETARY TO GOVERNMENT 16.3.50

REVENUE DEPARTMENT 17 MAR 1950

ASSISTANT FIRKA DEVELOPMENT OFFICER 9-MAR

694/13350

16/3/50

Asst (Rev)

A

Asst (Rev) 17.3.50

May be perused & returned to (Rev) dept the coll. is to be satisfied that no communal trouble is likely to arise

12 — 6

Rev Dept.

DS

Please see the notes of Sikka Dev & Public enquiry cases. The draft order in Appendix above may issue after circulation to HM(LR)

12350

19/3/50 DS

MR 22/3/50.

HM(LR).

SECRETARY TO GOVERNMENT
24 MAR 1950
REVENUE DEPARTMENT

24/3/50